

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15599 of 2016

Arising Out of PS.Case No. -293 Year- 2012 Thana -TEKARI District- GAYA

1. Dhurdhur Paswan S/o- Bhunesh Paswan
2. Bhuchung Paswan S/o- Lakhan Paswan Both resident of Village - Krit Nawada, P.S. - Chandauti, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.20908 of 2016

Arising Out of PS.Case No. -293 Year- 2012 Thana -TEKARI District- GAYA

1. Bachu Paswan @ Bachhu Paswan S/o Laxman Paswan resident of village - Krit Nawada, P.S. Chandauti, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.15599 of 2016)

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. G.S.Gupta(App)

(In Cr.Misc. No.20908 of 2016)

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Anusuiya Jaiswal(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners in Cr. Misc. No. 15599 of 2016 are languishing in jail custody since 10.02.2016 and the petitioner in Cr. Misc. No. 20908/2016 is languishing in custody since 21.03.2016 in a common case registered for offences punishable

under Section 395 of the I.P.C.

The prosecution case as lodged on the basis of fardbeyan of one Manoj Kumar before the S.I., Panchanpur O.P. under Tekari Police Station on 17.10.2012 is that on 16.10.2012 about 11 P.M. two persons entered into courtyard of his house towards west through roof of the house and on sound of entrance, the informant came out in courtyard of his house and saw that one miscreant was standing near the room of his brother and other 3-4 persons entered into the house and they confined the informant and his family members in a room and snatched his Micro Max mobile and fled away. It is further alleged that any how the informant managed to come out from the room and raised alarm. It is further alleged that the petitioners looted house hold articles, utensils, gold ornaments, silver ornaments, cloths, cash of rupees 1500/- and grains.

It has been submitted by the learned counsel for the petitioners that on the confessional statement of co-accused Kamdeo Paswan, the name of the petitioners and other accused have surfaced and some of the co-accused of this case has been granted bail by different Benches of this Court. He further submits that no T.I.P. has been done and nothing has been recovered from their possession.

Learned A.P.P. for the State submits that although,

the petitioner are not named in the F.I.R. but on the confessional statement of co-accused, the name of the petitioners has surfaced, hence, opposes the prayer for bail.

Considering the fact that other co-accused having similar allegations, have been granted bail by this Court, the above named petitioners, namely, Dhurdhur Pawsan, Bhuchung Paswan and Bachu Pawswan @ Bachhu Paswan are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Tekari P.S.Case No. 293/2012, subject to the condition that one of the bailors will be the close relative of the petitioner.

However, it is made clear that since the petitioners are involved in case of similar nature earlier, if the petitioners are involved in case of similar nature in future, the learned Court below will be at liberty to cancel the bail bonds of the petitioners without being prejudiced with this order.

(Nilu Agrawal, J)

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